

REMARKS

Claims 1-10 are pending in the application. In the Office action dated April 9, 2007, claims 1-10 were rejected. Applicant hereby amends claims 1 and 5. In view of the above amendments and the following remarks, Applicant respectfully requests reconsideration of the rejected claims under 37 C.F.R. § 1.111.

Rejections under 35 U.S.C. § 112

Claims 5-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention.

In particular, the Examiner asserts that claim 5 is indefinite for reciting "the facing part" in line 4, as there is insufficient antecedent basis for that claim element.

Without acknowledging the propriety of the rejection, the Applicant has amended claim 5 to more particularly and definitely recite the claimed subject matter by providing clear antecedent basis for the "facing part" recited therein.

In view of the above amendment and these remarks, Applicant respectfully requests the withdrawal of the rejection of claim 5 under 35 U.S.C. § 112, second paragraph.

Rejections under 35 U.S.C. § 102

Claims 1-8 and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Magnusson (U.S. Patent no. 4,449,261). The Examiner suggests that the sectional mattress assembly 10 of Magnusson exhibits every element of the frame mattress recited in claim 1. Applicant respectfully disagrees.

Magnusson discloses a mattress having a continuous border portion (14), where the mattress has a removable and reversible pillow top (139) fastened thereto, and where the border portion is provided with supporting means such as coil springs (26) to provide the stiffness necessary to retain the overall shape of the mattress. The border portion may contain rigid plastic components or foamed plastic cushioning in combination with or in lieu of coil springs. The border portion is provided with at least one fastening means (30) disposed continuously along a periphery of the border, the reversible pillow top having a fastening means (37) at its periphery to engage the fastening means of the border portion. The pillow top may also be provided with means such as a flap or other means (see col. 7, lines 28-31), and the pillow top may be filled with down or other soft foam-like material (col. 7, lines 25-28).

The mattress of Magnusson includes a mattress core, resting in the cavity defined by the border portion and the pillow top. The mattress core of Magnusson may consist of polyurethane foam (Fig. 4), foam plus short springs (Fig. 5), an air mattress (Fig. 6), or full spring coils (Fig. 7). However, each of the mattress cores exemplified by Magnusson are unitary in structure, that is they are composed of a single unit. Magnusson fails to disclose a mattress core that includes spring elements which can be removed, individually reversed, individually cleaned, or arranged into zones having different firmness levels.

Furthermore, in order to accommodate a variety of mattress cores, Magnusson provides a liner having a fastening means along the periphery which engages with a fastening means along the top of the border portion. But the liner of Magnusson need

not necessarily fully cover the center cavity. In fact, the liner may only cover the interface between the border and the mattress core lying within the center cavity.

In contrast, claim 1 of the instant application recites a frame mattress having a frame surrounding a spring inlay, with material that entirely covers the spring inlay. The material is at least partly detachable, and the spring inlays are reversibly arranged in the frame.

Applicant respectfully suggests that the frame mattress of claim 1 is clearly distinct from the mattress of Magnusson. However, in the interest of furthering the prosecution of the application, Applicant has amended claim 1 in order to more particularly define the claimed invention.

As amended, the material over the spring inlay is "mounted to the entire top of the frame," and the spring inlay of claim 1 constitutes a "principally form-stable unit of separate spring elements," that is reversibly arranged in the frame.

As Magnusson fails to disclose a liner which is mounted to the entire top of the frame, and fails to disclose a mattress core composed of separate spring elements, Applicant suggests that claim 1, as amended, is not anticipated by the disclosure of Magnusson.

In view of the above amendments and remarks, Applicant respectfully requests the withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(b). As claims 2-9 depend directly or indirectly from claim 1, Applicant suggests they are similarly not anticipated by Magnusson, and similarly requests the withdrawal of the rejection of those claims under 35 U.S.C. § 102(b).

Rejections under 35 U.S.C. § 103

Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Magnusson (U.S. Patent no. 4,449,261). The Examiner asserts that it would have been obvious to the skilled artisan to have replaced the zipper fastener 30 used in Magnusson with a hook and loop fastener.

As discussed above, Applicant suggests that Magnusson fails to anticipate the subject matter of claim 1. Magnusson therefore necessarily fails to render the subject matter of claim 1 obvious, because *prima facie* obviousness cannot be established where the cited references fail to disclose each and every element of the claim.

Furthermore, the Magnusson reference fails to disclose or suggest the significant advantages possessed by the instant frame mattress. Specifically, as the material mounted detachably to the entire top of the frame is at least partly releasable, it may be folded aside or thoroughly cleaned in a much more efficient manner than is the case for a conventional mattress. The entire bed may be cleaned thoroughly, and the mattress resting on the frame may be vacuumed as well as the uncovered spring inlay.

Additionally, once the material has been folded aside, the spring inlay may be removed and turned or replaced. Because the spring inlay includes separate spring elements, the spring cores may be replaced individually or completely. In order to provide enhanced comfort and health benefits, the spring inlay may be divided into zones having either stiff or soft springs. That is, all of the springs in the inlay may be equally stressed, or they may be divided into zones of different stress levels, so that zone partitioning is achieved, providing a bed having a different firmness in different zones of the mattress.

These advantages may be achieved due to the presence of individual spring elements in the spring inlay. The mattress core of Magnusson cannot provide an equivalent ease of cleaning, or adjustable firmness by zone. In fact, Magnusson explicitly teaches the adjustment of firmness by replacing an entire mattress core:

"It should be appreciated that the mattress of the present invention permits one to, in essence, construct the mattress of one's choice by the insertion of different cores and the use of different pillow tops 36. In this manner, a couple may construct a mattress which includes a foam core for one sleeper and a firm, pocketed spring coil for the other. In the event that sleeper's preference should change at a later date, all that would be required to be changed would be one particular core rather than the entire mattress." (col. 9, lines 15-24)

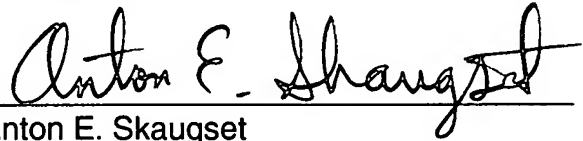
Applicant suggest that, in view of the above remarks, they have shown that the Examiner has failed to establish the *prima facie* obviousness of claim 1, and therefore of dependent claim 10. Furthermore, even if *prima facie* obviousness had been established, Applicant suggests that it is effectively rebutted by the advantages possessed by the claimed frame mattress, advantages that are neither disclosed nor suggested by the cited reference.

In view of the above remarks, Applicant respectfully requests the withdrawal of the rejection of claim 10 under 35 U.S.C. § 103(a).

Applicant respectfully suggests that the application is in condition for allowance, and requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned agent of record.

Respectfully submitted,

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